

A Policy Commentary

Redistributing Decision-Making Power and Influence in the AI Ecosystem: A Call for Inclusive Participation of Users and User Organisations



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Introduction: The Exclusion of Users from AI Risk Governance

The public conversation about artificial intelligence risk management has so far been carried-on largely by [four large and influential types of organisations](#) (simply “the Included” hereafter). Specifically, those Included are: (1) AI foundation model developer high-tech firms, primarily the five companies that provide a majority of all AI tools, (2) Government Agencies at various levels, including city, state, and federal, (3) Non-Governmental Organisations (NGOs) such as World Economic Forum (WEF), and (4) Academic Institutions that are conducting research in the domain of AI. Left out of this risk management and governance conversation have been the most important parties (the “Not-Yet-Included”) -- specifically users and related user organisations (corporations, trusts, non-profits, partnerships, sole proprietorships, etc.). In fact, the four Included organisation types would not exist if it were not for the money and productive work done by the Not-Yet-Included. The Included, their funding, and their activities, are all derivatives based on the productive work done by users and user organisations. It is unjust that

users and user organisations have been largely left out of the conversation about AI risk management and governance.

For example, U.S. President Joe Biden's 2023 meeting with seven AI high-tech firms led to the 2024 Executive Order on ["Safe, Secure and Trustworthy Development and Use of Artificial Intelligence"](#). That Executive Order directs the National Institute of Standards and Technology (NIST) to work with other government agencies to establish guidelines and best practices. That Order additionally directed companies developing AI foundation models to provide the federal government with certain reports, for example: reports about the size of models they are developing. So far as can be seen from a reading of the order, the order neither considers the Not-Yet-Included, nor was it based on any request for comment from the Not-Yet-Included.

The Expanding Role of AI in Society: What it means for Risk Management

For decades AI was the exclusive purview of specialised academic research, plus specific applied military projects, as well as niche application areas such as driverless cars and robotics in manufacturing. In the last few years, AI has become much more widely deployed in the business, non-profit, and civilian government environment, and are readily visible there as well. Reflecting on this rapidly increasing engagement of users and user organisations, and the much wider array of AI application areas, the conversation about the future of AI risk management and governance must now actively include both users and user organisations. For instance, while the Included have published over 75 different proposed ethical codes applicable to AI, very few of those codes directly address one of the core issues of AI, which is the concentration of power. It is this concentration of power (in the hands of the Included) that can disenfranchise and disempower the users and user organisations (the Not-Yet-Included).

Many modern foundation model development efforts have a voracious appetite for externally-sourced data. In order to get the data that these AI models need to train, the firms developing these systems have been leveraging and building upon the data-based rights of others, often without the explicit consent of these external data owners. See, for example, the consortium of major media companies in Canada which are now suing OpenAI, alleging copyright infringement via the scraping of large swaths of internet-sourced content. But this matter is much bigger than copyrights, it's also patent rights, performance rights, attribution rights, contractual rights, privacy, the right to be left alone (surveillance), unbiased decision-making, minimal human supervision of AI systems, and other legal, ethical, and moral matters.

New laws are needed to affirm and bolster the legal rights of the Not-Yet-Included. The government needs to enforce the laws and regulations already on the books, and also new laws and regulations supporting the just-mentioned new legal rights. A private right of action is also needed to help keep things civilised, lest a chaotic data property free-for-all develop. Technical

possibility does not convey the legal right to take certain actions with the data that has legal rights which belong to another. Users and user organisations are rightfully concerned about the diverse risks of AI, and what it is that the Included are doing about these risks. The time has come for the Included to more formally include the Not-Yet-Included in AI risk management and governance policy setting, AI risk response decision-making, AI ethical baseline level-setting, and related activities. It is time for the Included to demonstrate that they are trustworthy by seriously involving the Not-Yet-Included in these and related AI risk management activities.

Fiduciary Responsibilities of User Organisations

Beyond the new legislation and regulation mentioned above, there are three legal obligations in the English common law countries applicable to this conversation. These are the fiduciary duties, specifically: [the duty of care, the duty of oversight, and the duty of obedience](#). These fiduciary duties respectively require users and user organisations to act in a prudent and reasonable way regarding the risks of AI, require users and user organisation to manage their staff and oversee what they do to keep the level of risk appropriately contained, and to obey the requirements of not just internal policies and ethical codes, but also those of external laws and regulations. Thus, users and user organisations have an important job to do here, and they need to be at the table, having these important discussions about risk management and governance, in order to be able to be able to properly perform their already-legally-defined duties.

These and other fiduciary duties of the user and user organisations ring hollows if only the Included are defining the nature of the future AI game. Users and user organisations must step-up, get involved in the conversation, demand a seat at the table, and make sure their interests are being adequately considered. To just sit back and watch the Included do all the important work here risks both an undue concentration of power, and an on-going de facto grant of property rights from the Not-Yet-Included to the Included. There is also a pressing need for the Included to seriously demonstrate that they are trustworthy through their transparent disclosures, regarding their good-faith efforts to include the Not-Yet-Included.

There are many things that user organisations must now do on their own to manage AI risks, and they must not wait for clarified obligations, guidance, or permission coming from the Included. Examples of the things that the Not-Yet-Included must do involve choosing the ethical codes to which their AI systems must conform, and compiling internal policies such as an AI Acceptable Use Policy. Likewise, users and user organisations must define their own internal AI life cycle process, which includes the specific steps that internal staff must go through, before an AI system comes to market, or is otherwise used for any production business processing. There is lots of work for users and user organisations to do, so that risk management and governance efforts can catch-up with the significant risks associated with already-deployed AI systems, not

to mention soon-to-be deployed AI systems. To do these and related things successfully, the Not-Yet-Included need to work along with the Included, not on their own.

A Call to Action for Inclusive AI Governance

When it comes to the new inclusion in societal decision-making about risk management and governance, user organisations need to be given a seat at the table. The metrics employed for making decisions about the AI-risk-management-and-governance-related laws and regulations to be adopted, need to have an expanded focus, such as benefitting all involved parties, not just those organisations who have so-far been included in the decision-making process. External auditing needs to be deployed, in a manner similar to what has been done for public company financial reporting purposes, to make sure that organisations employing AI for high-risk tasks are in fact in full compliance with all relevant laws and regulations. In some cases, public participation is needed to determine where lines should be drawn, such as privacy and the re-use of personal data as input for AI system training purposes. Much greater emphasis needs to be placed on a revised participative process that engages with affected parties, and also collects from those affected parties the risk-reduction mechanisms that they need to feel as though AI systems can be trusted with high-risk tasks. One important example of the needed risk-reduction mechanisms is informed consent, to meaningfully convey to users and user organisations that they do in fact have control over their personal data. Ethical codes which may mention these considerations must move beyond aspirational statements, to specific operational business processes, such as grievance resolution procedures.

Building on earlier discussions regarding the concentration of power among a few AI developers and decision-making bodies, a [cross-country analysis of 14 OECD nations](#) found that nearly **46% of global AI-related skills** and competencies are concentrated within a handful of countries that also account for a similar share of global GDP. While this statistic pertains to economic output, it highlights how technological capability—and therefore influence over AI governance—remains heavily skewed toward a small group of nations and organisations. This imbalance mirrors the same pattern of exclusion noted earlier regarding the “Not-Yet-Included,” underscoring the urgent need for redistributing both decision-making authority and opportunities for participation in the AI ecosystem.

Embedding inclusivity within AI governance is therefore not merely a moral imperative but a structural necessity to ensure equitable representation, accountability, and long-term societal trust in emerging technologies. The time has come to transform AI governance from an exclusive conversation among the Included to a participatory process that meaningfully engages users, user organisations, and underrepresented nations. Only through such democratization of power can we ensure that the benefits of AI development are shared broadly—and that the global AI ecosystem evolves as a collective enterprise serving the interests of all, not just the privileged few.

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